

Message Text

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TO AMEMBASSY SANTIAGO

USMISSION GENEVA

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 024117

E.O. 11652: GDS

TAGS:CI, SHUM

SUBJECT: UPCOMING U.N. HUMAN RIGHTS MEETING IN GENEVA

1. SUMMARY: ON JANUARY 28 AMBASSADORS SERGIO DIEZ AND MANUEL TRUCCO MET WITH AMBASSADOR HEWSON RYAN TO DISCUSS THE UPCOMING UNHRC MEETING IN GENEVA. ARA AND I/O REPRESENTATIVES WERE ALSO PRESENT. DIEZ SAID THAT THE GOC RECOGNIZED THAT THE U.S. COULD NOT SUPPORT CHILE. HOWEVER, THE TONE OF U.S. PARTICIPATION WAS VERY IMPORTANT. THE WEO'S, THE IFI'S AND THE BANKING COMMUNITY WOULD ALL BE INFLUENCED BY WHAT THEY THOUGHT OUR STATEMENTS MIGHT MEAN. TRUCCO GAVE US A BRIEFING ON THE DRAFT DECREE ON STATE OF SEIGE DETAINEES (SIGNED JANUARY 29). HE ALSO SAID THAT HE WOULD TRY TO ENLIST BROAD SUPPORT IN THE OAS FOR CHILE'S INITIATIVE ON INTERNATIONAL STANDARDS FOR INVESTIGATING HUMAN RIGHTS VIOLATIONS.

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2. AMBASSADOR DIEZ STARTED BY SAYING THAT HE HAD MET WITH HIS BRITISH AND GERMAN COLLEAGUES SHORTLY AFTER THE UNGA. HE TOLD THEM THAT AFTER ALLANA'S STATEMENT BEFORE THE 3RD COMMITTEE - THERE WAS SUCH MEDDLING IN CHILE'S INTERNAL AFFAIRS - IT WAS IMPOSSIBLE FOR THE GOC TO

RECONSIDER INVITING THE UNHRC WORKING GROUP TO CHILE. AMBASSADOR RYAN ASKED IF A DIFFERENT CHAIRMAN WOULD MAKE THE GROUP ACCEPTABLE. DIEZ RESPONDED THAT THE PROBLEM WAS WITH THE GROUP. "THIS IS A CLOSED CHAPTER." THE CHILEANS WILL NOT ASK ANYBODY TO VOTE WITH THEM AGAINST PROLONGING THE WORKING GROUP CHARTER. THE HRC WILL RECEIVE THE WORKING GROUPS REPORT AND THE COMMISSION WILL PROBABLY APPROVE IT. DIEZ DIGRESSED TO NOTE THAT THERE HAD NEVER BEEN ANY COMMUNICATIONS BETWEEN THE GOC AND THE WORKING GROUP, THAT IN FACT THE WORKING GROUP ESTABLISHED ITS PROCEDURAL RULES WITHOUT CONSULTING CHILE.

3. DIEZ WENT ON TO SAY THE PROBLEM WOULD NOT BE THE REPORT OR EVEN THE U.S. POSITION, BUT RATHER THE TONE OR LANGUAGE OF OUR POSITION TO BE TAKEN AT GENEVA. "IF THE TONE OF THE U.S. REPRESENTATIVES SPEECH WAS BAD THIS COULD BE VERY DANGEROUS." DIEZ SAID THAT HIS GERMAN AND BRITISH COLLEAGUES HAD TOLD HIM THAT THE TIME WAS PSYCHOLOGICALLY RIGHT FOR THE WORKING GROUP TO PREPARE A DAMAGING FINAL REPORT AND FOR THE COMMISSION TO APPROVE A RESOLUTION CONDEMNING CHILE. THE GOC BELIEVES THIS RESOLUTION COULD WELL CONTAIN LANGUAGE CALLING FOR ECONOMIC SANCTIONS. IF THE U.S. WERE TO GO ALONG WITH SUCH A RESOLUTION, IT WOULD MEAN WE ARE PREPARING THE ECONOMIC BLOCKADE OF CHILE. THE RESOLUTION WOULD ALSO BE A STRONG NEGATIVE SIGNAL TO THE IFT'S AND TO THE PRIVATE BANKS. THE GERMAN AND THE ENGLISH SAID THAT THE POSITION THE U.S. ADOPTS WOULD BE DECISIVE FOR THEIR GOVERNMENTS. IN THE MEANTIME, CHILE WAS ATTEMPTING TO OBTAIN THE COOPERATION OF PANAMA AND COSTA RICA. PERU HAS ASSURED THE GOC IT WILL REMAIN NEUTRAL.

4. TRUCCO INTERVENED TO SAY THAT THE HUMAN RIGHTS
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PROBLEM IS AFFECTING THE TRIPARTITE DISCUSSIONS CONCERNING BOLIVIA'S CORRIDOR TO THE SEA. BECAUSE OF CHILE'S PROBLEMS IN GENEVA AND U.S. CONGRESSIONAL AMENDMENTS, THE GOP SEES CHILE IN A WEAK POSITION. AT FIRST PERU WAS DISPOSED TO DECIDE QUICKLY, BUT NOW FEELS IT CAN DELAY. PERU WILL PROBABLY WAIT UPON THE RESULTS AT GENEVA AND AT THE OAS GENERAL ASSEMBLY IN SANTIAGO BEFORE GIVING ITS REPLY.

5. DIEZ BROUGHT UP ANGOLA SAYING THAT THE GOC, SEEING A CUBAN ARMY READY TO GO ANYWHERE IN THE WORLD, WAS MORE CONCERNED THAN EVER ABOUT ITS SECURITY.

6. AMBASSADOR RYAN NOTED THAT THE U.S. GOVERNMENT HAS A LOT OF PROBLEMS DEALING WITH THE HUMAN RIGHTS COMMISSION ISSUE BECAUSE OF THE VARIOUS PRESSURES WITHIN THE USG. HE SAID WE WILL HAVE TO MENTION THE CASE OF AMY CONGER AND FATHER PANCHOT WHEN THE COMMISSION MEETS. HE THEN TOLD TRUCCO THAT HE HAD HEARD OF HIS CONVERSATION WITH AMBASSADOR POPPER AND ASKED IF HE HAD ANYTHING FURTHER TO REPORT.

7. DIEZ SAID THAT HE AND TRUCCO HAD CAMPAIGNED TO CONVINCE PINOCHET THAT SOMETHING HAD TO BE DONE TO DEAL WITH THE HUMAN RIGHTS PROBLEM. TRUCCO SAID THAT THE PASCAL ALLENDE PROBLEM WAS DISCUSSED WITH PINOCHET. THE PRESIDENT IMMEDIATELY GRANTED SAFE-CONDUCTS AND ORDERED TRUCCO TO COSTA RICA TO ADVISE FOREIGN MINISTER FACIO ON THIS CASE AS WELL AS ON THE OTHER ASYLEE CASES. ACCORDING TO TRUCCO, THE PASCAL ALLENDE PROBLEM IS ONE OF LOGISTICS NOW. AFTER PASCAL ALLENDE ARRIVES IN COSTA RICA THE GOC WILL IMMEDIATELY ASK FOR HIS EXTRADITION. HOWEVER, PASCAL ALLENDE WILL PROBABLY GO TO CUBA AFTER THE COSTA RICAN SUPREME COURT INEVITABLY DENIES CHILE'S PETITION.

8. PINOCHET ALSO SENT A HAND-WRITTEN MEMO TO JUSTICE MINISTER SCHWEITZER INSTRUCTING HIM TO DRAFT A DECREE TO ALLEVIATE SOME OF THE CRITICISMS CHILE WAS RECEIVING BECAUSE OF INTERNAL SECURITY INVESTIGATIONS. SCHWEITZER HAS DRAFTED A DECREE WHICH HE TOOK PERSONALLY TO CONFIDENTIAL

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PINOCHET'S OFFICE FOR REVIEW. THE PRESIDENT HAS ACCEPTED THE DRAFT, AND ACCORDING TO SCHWEITZER, WITH WHOM TRUCCO SPOKE BY TELEPHONE JANUARY 28, IT WILL BE SIGNED THE 28TH OR THE 29TH OF THIS MONTH. THE PROVISIONS OF THE DECREE ARE AS FOLLOWS:

A. ALL DETAINEES ARRESTED BY DINA OR OTHER INTELLIGENCE ORGANIZATIONS UNDER DECREE LAW 1009 MUST HAVE MEDICAL EXAMINATIONS BEFORE THEY ENTER THE FACILITIES OF THESE SERVICES FOR INTERROGATION. THEY MUST HAVE A SIMILAR EXAMINATION UPON LEAVING THE FACILITY, AND THE DOCTORS MAKING THESE EXAMINATIONS WILL PROVIDE A WRITTEN REPORT OF THEIR FINDINGS.

B. IF A MEDICAL EXAMINATION SHOWS MISTREATMENT, THE

MINISTER OF JUSTICE WILL IMMEDIATELY ISSUE A COMPLAINT TO THE APPROPRIATE ADMINISTRATIVE AND JUDICIAL AUTHORITIES.

C. THESE AUTHORITIES WILL START AN INQUIRY INTO THE CHARGES WITHIN 48 HOURS.

D. ALL STATE OF SEIGE OPERATIONS MUST BE CARRIED OUT UNDER A WRITTEN ORDER SIGNED BY THE CHIEF OF THE ORGANIZATION CONDUCTING THE OPERATION. THE STATEMENT WILL CONTAIN THE NAME OF THE DETAINEE, THE NAME OF THE OFFICER MAKING THE ARREST, THE NAME OF THE OFFICER ORDERING THE ARREST, AND PROPER CERTIFICATION.

E. TO CONDUCT SEARCHES, THE CHIEF OF THE INTELLIGENCE SERVICE WILL HAVE TO ISSUE A WRITTEN SEARCH ORDER.

F. A COPY OF ANY DETENTION ORDER MUST BE GIVEN TO THE NEAREST NEXT-OF-KIN WITHIN 48 HOURS OF ARREST. A COPY OF SEARCH WARRANT MUST BE GIVEN TO THE INTERESTED PARTY BEFORE THE SEARCH BEGINS.

G. FOREIGNERS DETAINED UNDER STATE OF SEIGE REGULATIONS WILL HAVE THE OPTION OF TRIAL OR EXPULSION. THOSE OPTING FOR EXPULSION WILL LEAVE THE COUNTRY IMMEDIATELY, BEFORE ENTERING DETENTION.

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H. THE PRESIDENT OF THE SUPREME COURT AND THE MINISTER OF JUSTICE, EACH ON HIS OWN AUTHORITY, CAN INSPECT ANY FACILITY OPERATED BY THE INTELLIGENCE SERVICES AND REPORT TO THE PRESIDENT OR ACT WITHIN THEIR OWN AUTHORITY.

9. DIEZ SAID THAT HE HAD SUGGESTED TO THE PRESIDENT THAT HE HAVE A FRANK CONVERSATION WITH THE PAPAL NUNCIO TO TRY AND CLEAR UP SOME RECENT MISUNDERSTANDINGS BETWEEN THE CHURCH AND GOC. PINOCHET DID CALL ON THE NUNCIO AND DIEZ DESCRIBED THE RESULTS OF THE MEETING AS "A NEW ERA OF UNDERSTANDING BETWEEN THE GOC AND CHURCH." WHEN THE DECREE IS PUBLISHED THE NUNCIO WILL SEND A COPY TO ROME ASKING THAT IT BE SENT TO EUROPEAN AND NORTH AMERICAN CARDINALS. DIEZ ALSO ASKED FOR THE UNDERSTANDING OF THE STATE DEPARTMENT.

10. TRUCCO THEN SAID THAT HE WAS GOING TO TALK TO OAS AMBASSADOR MAILLIARD. HE WAS GOING TO SHOW HIM A DRAFT OF THE HUMAN RIGHTS INITIATIVE THAT CHILE ATTEMPTED TO PRESENT TO THE U.S. 3RD COMMITTEE LAST DECEMBER. HE SAID HE WAS GRATEFUL FOR AMBASSADOR POPPER'S SUGGESTION THAT CHILE NOT PRESENT SOMETHING THAT WOULD OBVIOUSLY BE

DEFEATED AND THUS BE LOOKED UPON MORE AS AN ATTEMPT TO
EVADE HUMAN RIGHTS CHARGES THAN AS A SERIOUS EFFORT TO

DEAL WITH A WORLD WIDE HUMAN RIGHTS PROBLEM. HE WAS
GOING TO GIVE THIS DRAFT TO THE COSTA RICAN, THE U.S.
AND OTHER MEMBERS OF THE OAS ASKING FOR THEIR SUPPORT
AND SUGGESTIONS. HE ALSO WANTS TO BRING THE INTER
AMERICAN JURIDICAL COMMITTEE INTO THE DRAFTING PROCESS.
HE HOPES TO HAVE A FINAL DRAFT READY WELL BEFORE JUNE
SO THAT IT CAN BE PRESENTED AT THE OAS GENERAL ASSEMBLY.
AMBASSADOR RYAN TOLD HIM THAT WE WOULD BE PLEASED TO
STUDY THEIR PROPOSAL. KISSINGER

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